

REMARKS

Applicants have carefully reviewed this Application in light of the Final Office Action mailed June 12, 2006. Claims 9-10, 16-17, 34-35, 38, 40-42, 52-53, 59-60, 77-78, 81, 83-85 and 100-101 were previously cancelled without prejudice or disclaimer. Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99 are pending in this Application. Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79-80, 82 and 86-99 stand rejected under 35 U.S.C. § 103. Applicants respectfully request reconsideration and favorable action in this case.

Rejections Under 35 U.S.C. § 103

Claims 1-8, 11-12, 14-15, 18, 24-29, 32-33, 36, 44-51, 54-55, 57-58, 61, 67-72, 75-76, 79, 87-88, 90-92, 94 and 96-98 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,327,486 issued to Richard S. Wolff et al. (“*Wolff*”), U.S. Patent No. 6,373,817 issued to Fen-Chung Kung et al. (“*Kung*”) and also over U.S. Patent No. 5,434,908 issued to Robert M. Klein (“*Klein*”).

Claims 13, 37, 56, 80 and 93 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wolff*, *Kung*, and *Klein*, and also over U.S. Patent No. 5,758,280 issued to Misa Kimura (“*Kimura*”).

Claims 19-23, 30-31, 39, 43, 62-66, 73-74, 82, 86, 89, 95 and 99 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Wolff*, *Kung*, and *Klein*, and also over U.S. Patent No. 5,933,778 issued to Michael Buhrmann et al. (“*Buhrmann*”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Wolff discloses a method and system for managing telephone calls utilizing two-way wireless or wireline messaging.

Kung discloses methods for routing Internet broadband communications between or among users no matter where the called party may be. A chase me system provides alternative routing for multimedia communication to a user based on a chase me schedule. (Col. 3, Lines 57-62). The user may identify an address for an IP or telephone

communication and details of a schedule for receiving communications at different addresses. (Col. 34, Lines 22-25).

Klein discloses a method and a system for the automated generation and management of a subscriber's personal greeting based upon information contained in the subscriber's electronic schedule database. (Col. 1, lines 35-39). The method and system automatically generates a user personal greeting from use schedule information obtained from an automatic source. (Col. 1, lines 55-59).

Claim 1 recites a method comprising the step of "transmitting, from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication."

Claim 44 recites a computer program product cable of "transmit[ing], from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication."

Claim 87 recites a system capable of "transmitting, from the mediation subscriber communication device for reception by the mediation system, data including the selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication."

Applicants respectfully submit that the cited references fail to disclose every element of Applicants' invention as amended. Further, there is no motivation, teaching, or suggestion to combine *Wolff*, *Kung* and *Klein*. *Wolff*, *Kung* and *Klein*, alone or in combination, fail to teach at least "transmitting, from the mediation subscriber communication device for

reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as recited by Claim 1. Additionally, *Wolff, Kung* and *Klein* fail to teach a computer program product capable of enabling a mediation subscriber device to “transmit[ing], from the mediation subscriber communication device for reception by the mediation system, said selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as recited by Claim 44. Further, *Wolff, Kung* and *Klein* fail to teach or suggest a system for facilitating mediated virtual communication capable of “transmitting, from the mediation subscriber communication device for reception by the mediation system, data including the selected follow-through action such that the mediation system communicates said selected follow-through action and said designated availability status of the first party to the second party, said designated availability status operable to notify the second party when the first party is available at the mediation subscriber communication device for voice-based communication,” as recited by Claim 87.

In support of the rejection, the Examiner asserts that *Klein* teaches that “[t]he message sent to the calling party may notify the calling party of the user’s schedule, in order to inform the calling party when the user is available for voice-based communication.” (Office Action, Page 8). In making this assertion, Examiner relies on Column 3, line 58 - Column 4, line 37 of *Klein*. However, this portion of *Klein* fails to disclose, teach or suggest an “availability status operable to notify the second party when the first party is available *at the mediation subscriber communication device* for voice-based communication,” as recited in Claim 1. In fact, the cited portion of *Klein* fails to discuss a mediation subscriber communication device (or analogous device), let alone the availability of a party at such a device.

Furthermore, the Examiner asserts that *Klein* teaches a method to “inform the calling party when the user is available at the mediation subscriber communication device for voice-based communication.” (Office Action, Page 8). However, the Examiner does not point to any particular portion of *Klein* that discloses an “availability status operable to notify the second party when the first party is available *at the mediation subscriber communication device* for voice-based communication,” as recited in Claim 1. Accordingly, the cited references fail to disclose the recited limitations and cannot render obvious Claims 1, 44 and 87.

Given that Claims 2-8, 11-15, 18-33, 36, 37, 39 and 43 depend from Claim 1, Claims 45-51, 54-58, 61-76, 79, 80, 82 and 86 depend from Claim 44 and Claims 88-99 depend from Claim 87, Applicants submit that Claims 2-8, 11-15, 18-33, 36, 37, 39, 43, 45-51, 54-58, 61-76, 79, 80, 82, 86, 88-99 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99.

Information Disclosure Statement

Applicants would like to bring to the Examiner’s attention that Applicants filed an Information Disclosure Statement on July 19, 2006. Applicants respectfully request that the Information Disclosure Statement be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 filed July 19, 2006, for the Examiner’s convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

CONCLUSION

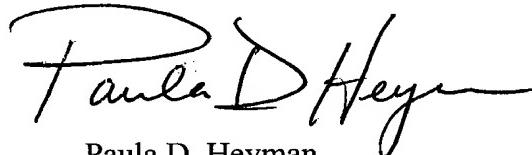
Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-8, 11-15, 18-33, 36, 37, 39, 43-51, 54-58, 61-76, 79, 80, 82 and 86-99.

Applicants believe there are no fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicants



Paula D. Heyman
Reg. No. 48,363

Date: September 12, 2006

SEND CORRESPONDENCE TO:

CUSTOMER NO. **31625**

512.322.2581

512.322.8328 (fax)

Enclosure: 1) A copy of the Information Disclosure Statement and PTO Form 1449 filed July 19, 2006, and a copy of the postcard receipt.